

**BEFORE THE
FEDERAL MARITIME COMMISSION**

DOCKET NO. 15-11

IGOR OVCHINNIKOV, IRINA RZAEVA, and DENIS NEKIPELOV,

— vs. —

**MICHAEL HITRINOV a/k/a
MICHAEL KHITRINOV,
EMPIRE UNITED LINES CO., INC., and CARCONT, LTD.**

INFORMAL DOCKET NO.: 1953(I)

KAIRAT NURGAZINOV,

— vs. —

**MICHAEL HITRINOV a/k/a
MICHAEL KHITRINOV,
EMPIRE UNITED LINES CO., INC., and CARCONT, LTD.**

STATUS REPORT

Complainants hereby submit the instant Status Report in response to the entirely unsolicited and undated Status Report of the respondents herein sent to the Presiding Officer on or about August 12, 2016.

In the first instance, the undersigned vehemently objects to respondents' gross violation of the Rules of Practice and Procedure, by submitting a wholly gratuitous Status Report *not requested* by the Presiding Officer. Accordingly, the Presiding Officer is respectfully urged to *reject* said gratuitous and unsolicited Status Report, and to accord same *no consideration whatsoever* in the litigation of this matter.

In the alternative, should the Presiding Officer nonetheless deign to accept respondents' gratuitous and unsolicited Status Report, it is respectfully requested that the Presiding Officer consider the following in response to same.

At the outset, it is noted that respondents' so-called Status Report is not a Status Report at all; rather, said purported Status Report is yet another example of respondents' counsel by Mr. Jeffrey (who holds himself out to be a peerless expert on the Rules of Practice and Procedure) disingenuously using procedural contrivances as a "trojan horse" to repeatedly and wrongfully take "additional bites at the apple", by improperly asserting repetitive 'argument' which is more properly the subject of motion practice as opposed to a fallacious Status Report.

As to the purported merit of said report, it is noted that Mr. Jeffrey has only compounded the egregious acts of his client, Hitrinov by personally submitting an obvious fraudulent document.

Specifically, Mr. Jeffrey has provided what purports to be a 'notarized' signature of respondent, Hitrinov, which is on its face, obviously *fraudulent*.

First, the signature purporting to be that of Hitrinov is dated "June____, 2016", while the signature of the purported 'notary' is dated August 10, 2016.

Second, while the document contains what purports to be a 'notary' stamp, in reality, the stamp is *not* that of a notary, but rather that of a "Commissioner of Deeds", which contains no mention of "notary" and contains *no information* as to when said individual's commission expires.

Aside from its obvious fraudulent construction, it is entirely unclear as to why Mr. Jeffrey submitted this document, as it puts the Presiding Officer in the position of not only a finder of fact, but also that of a forensics expert in that Mr. Jeffery implicitly asks the Presiding Officer to

conclude that the two signatures are the same, the manifest impropriety of which is self-evident.

Incredibly, Mr. Jeffrey actually invites the undersigned to *contact his client directly*, thus implicitly waiving the attorney-client privilege. As an Officer of the Court, however, the undersigned will not take advantage of this shocking breach of the said privilege by Mr. Jeffrey.

Certainly, it is incomprehensible that Mr. Jeffery (or any attorney for that matter) would seriously suggest that an adversary simply accept the “word” of his client; particularly so in a case involving fraudulent activity by Hitrinov, and reliance and support from a proven fraud, liar, cheat, and “master criminal” as found by a United States District Court Judge, in the personage of Mr. Kapustin.

While it is noted that Mr. Jeffrey has proffered “testimony” thus putting him at risk of becoming a witness in this case and effectively disqualifying him as counsel, *conspicuously absent* from respondents’ Status Report is *any* affidavit from Hitrinov with respect to the alleged software program that he allegedly employed in constructing the signature at issue, the absence of which seriously calls into question the veracity and validity of Mr. Jeffrey’s representations.

With regard to Mr. Jeffrey’s endemic smarmy and wholly unwarranted opprobrium, certainly the issue is *not* whether Complainants’ counsel’s minds are “put at ease”; but rather, whether Hitrinov and his counsel have colluded to perpetrate an obvious fraud upon the Commission in general, and the Presiding Officer in particular.

As to the report of the forensic handwriting expert retained by Complainants herein, as of the time of this writing, a formal expert witness exchange is being prepared, to be served upon respondents under separate cover.

Consequently, and based upon the foregoing, complainants respectfully ask that the Presiding Officer *reject* respondents’ euphemistically entitled “Status Report” which provides *no*

“status” whatsoever, and disregard in its entirety the testimony of counsel and purported “argument” set forth therein.

Further, and to the extent that Mr. Jeffrey has personally sought to perpetrate an additional fraud upon the Presiding Officer by cannily attempting to substitute the original fraudulent signature of Hitrinov with his lately included affidavit, rife with blatant indices of obvious fraud, the Presiding Officer is further requested to reject any such attempted substitution.

In closing, Complainants apologize for communicating with the Presiding Officer in such an unorthodox manner, but were compelled to do so as a result of the patently fraudulent activity of Mr. Jeffrey and respondent Hitrinov, inclusive of their blatant and continuing violations of the Commission’s Rules of Practice and Procedure.

Dated: August 18, 2016
Brooklyn, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Marcus A. Nussbaum', with a stylized flourish at the end.

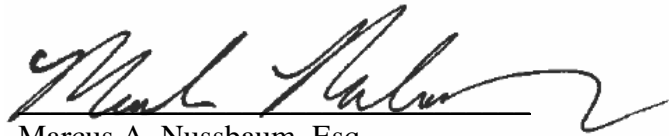
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the attached **STATUS REPORT** upon Respondents' Counsel at the following address:

Nixon Peabody LLP
Attn: Eric C. Jeffrey, Esq.
799 9th Street NW, Suite 500
Washington, DC 20001-4501

by first class mail, postage prepaid, and by email (ejeffrey@nixonpeabody.com).

A handwritten signature in black ink, appearing to read 'Marcus A. Nussbaum', with a long, sweeping horizontal line extending to the right.

Marcus A. Nussbaum, Esq.
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marcus.nussbaum@gmail.com

Dated: August 18, 2016 in Brooklyn, New York